

### 3. **REGULATIONS**

Note: Copies of the regulations described herein can be accessed at the following National Archives Internet Web Site:

[http://www.archives.gov/federal\\_register/the\\_federal\\_register/indexes.html](http://www.archives.gov/federal_register/the_federal_register/indexes.html).

#### A. **Ballast Water Management Reports (CG)**

On June 14, 2004, (69 FR 32864-32871), the Coast Guard (CG), U.S. Department of Homeland Security, issued a final rule (33 CFR part 151), under the authority of the Nonindigenous Aquatic Nuisance Prevention and Control Act (NANPCA) and the National Invasive Species Act (NISA), that establishes penalty provisions for vessels equipped with ballast water tanks bound for ports or places within the United States. These regulatory penalty provisions apply to vessels that fail to submit a ballast water management (BWM) report. Penalty provisions are also established for vessels bound for the Great Lakes or portions of the Hudson River that violate the mandatory BWM requirements. In addition, these regulations widen the reporting and recordkeeping requirements. This action will increase the Coast Guard's ability to prevent the introduction of nonindigenous species as required by NANPCA and NISA.

For further information, contact Mr. Bivan Patnaik, Environmental Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, telephone: (202) 267-1744, electronic mail: [bpatnaik@comdt.uscg.mil](mailto:bpatnaik@comdt.uscg.mil).

#### B. **Marine Equipment (CG)**

On June 30, 2004, (69 FR 39741-39772), the Coast Guard (CG), U.S. Department of Homeland Security, issued a proposed rule (46 CFR parts 32 et al.) that would make certain technical amendments to the rules relating to standards for marine equipment and would update the incorporation in those rules of references to national and international safety standards. This rulemaking is part of an ongoing effort for regulatory review and reform, with goals of: (1) updating the references to incorporated standards that have been modified; (2) removing obsolete rules; (3) focusing on results instead of process; and (4) expanding efforts to promote consensual rulemaking.

The Coast Guard has actively participated in the development of industry standards of safety for marine equipment at the International Maritime Organization, the International Organization for Standardization, the American Society for Testing and Materials, and other standards-setting bodies that belong to the American National Standards Institute.

For further information, contact Mr. Thane Gilman, Office of Design and Engineering Standards (G-MSE), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, telephone: (202) 267-2206, electronic mail: [tgilman@comdt.uscg.mil](mailto:tgilman@comdt.uscg.mil).

C. Coastal and Great Lakes Recreational Waters (EPA)

On July 9, 2004, (69 FR 41719-41743), the U.S. Environmental Protection Agency (EPA) issued a proposed rule (40 CFR part 131) that would establish water quality criteria for bacteria for coastal recreation waters in specific states and territories. The states and territories covered by this proposed rule do not have water quality standards for bacteria that comply with the requirements of section 303(i) of the Clean Water Act (CWA). Under these circumstances, the CWA requires EPA to promptly propose such standards. The proposed criteria apply to coastal and Great Lakes waters that specific states and territories have designated for swimming, bathing, surfing, or similar water contact activities and for which the state or territory does not have in place EPA-approved bacteria criteria that are as protective of human health as EPA's 1986 recommended bacteria criteria.

If this proposal is promulgated, the federally designated water quality criteria will be added to the states' and territories' water quality criteria applicable to coastal recreation waters. If a state or territory subsequently adopts and EPA approves water quality standards that meet the requirements of CWA section 303(i), EPA will withdraw the federal standards for that state's or territory's coastal recreation waters.

For further information, contact Mr. Lars Wilcut, Standards and Health Protection Division, Office of Science and Technology, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460, telephone: (202) 566-0447, electronic mail: [wilcut.lars@epa.gov](mailto:wilcut.lars@epa.gov).

D. Maritime Security Program (MARAD)

On July 20, 2004, (69 FR 43328-43338), the Maritime Administration (MARAD), U.S. Department of Transportation, issued an interim final rule (46 CFR part 296) to provide procedures to implement provisions of the National Defense Authorization Act for Fiscal Year 2004, which contains the Maritime Security Act of 2003 (MSA 2003). The MSA 2003 authorizes the creation of a new Maritime Security Program (MSP) that establishes a fleet of active, commercially viable, privately owned vessels to meet national defense and other security requirements and to maintain a United States presence in international commercial shipping. This interim final rule establishes the new MSP and provides, among other things, application procedures and deadlines for enrollment of vessels in the MSP.

The MSA 2003 authorizes \$156 million annually for fiscal years 2006, 2007, and 2008; \$174 million annually for fiscal years 2009, 2010, and 2011; and \$186 million annually for fiscal years 2012, 2013, 2014, and 2015 to support the operation of up to 60 U.S.-flag vessels in the foreign commerce of the United States. Payments to participating vessel operators are subject to annual appropriations. Participating operators are required to make their commercial transportation resources available upon request by the Secretary of Defense during times of war or national emergency.

For further information, contact Mr. Taylor E. Jones, Director, Office of Sealift Support (MAR-630), Maritime Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590, telephone: (202) 366-2323, electronic mail: [taylor.jones@marad.dot.gov](mailto:taylor.jones@marad.dot.gov).

E. Ballast Water Management Program for U.S. Waters (CG)

On July 28, 2004, (69 FR 44952-44961), the Coast Guard (CG), U.S. Department of Homeland Security, issued a final rule (33 CFR part 151) that requires mandatory ballast water management (BWM) practices for all vessels equipped with ballast water tanks bound for ports or places within the United States or entering U.S. waters. This rule increases the Coast Guard's ability to protect U.S. waters against the unintentional introduction of nonindigenous species via ballast water discharges, which have had significant impacts on the nation's marine and freshwater resources, biological diversity, and coastal infrastructure. It will also comply with the requirements of the Nonindigenous Aquatic Nuisance Prevention Control Act of 1990 (NANPCA) and the National Invasive Species Act of 1996 (NISA). The Great Lakes ballast water management program remains unchanged.

The mandatory BWM program requires all vessels equipped with ballast water tanks entering U.S. waters after operating beyond the exclusive economic zone (EEZ) to employ at least one of the following BWM practices: (1) prior to discharging ballast water in U.S. waters, perform complete ballast water exchange in an area no less than 200 nautical miles from any shore; (b) retain ballast water onboard the vessel; or (c) prior to the vessel entering U.S. waters, use an alternative environmentally sound method of BWM that has been approved by the Coast Guard.

For further information, contact Mr. Bivan R. Patnaik, Environmental Standards Division, Office of Operating and Environmental Standards (G-MSO), U.S. Coast Guard, 2100 Second Street, SW, Washington, DC 20593, telephone: (202) 267-1744, electronic mail: [bpatnaik@comdt.uscg.mil](mailto:bpatnaik@comdt.uscg.mil).

F. Hazardous Air Pollutants from Industrial Boilers (EPA)

On September 13, 2004, (69 FR 55217-55286), the U.S. Environmental Protection Agency (EPA) published a final rule (40 CFR part 63) regarding national emission standards for hazardous air pollutants (NESHAP) for industrial, commercial, and institutional boilers and process heaters. The final rule implements section 112(d) of the Clean Air Act (CAA) by requiring all major sources to meet hazardous air pollutants (HAP) emission standards reflecting the application of the maximum achievable control technology (MACT). The final rule is expected to reduce HAP emissions by 50,600 to 58,000 tons per year.

The HAP emitted by facilities in the boiler and process heater source category include arsenic, cadmium, chromium, hydrogen chloride, hydrogen fluoride, lead, manganese, mercury, nickel, and various organic HAP. Exposure to these substances has been demonstrated to cause adverse health effects such as irritation to the lung, skin, and mucus membranes, effects on the central

nervous system, kidney damage, and cancer. The final rule contains numerous compliance provisions including health-based compliance alternatives for the hydrogen chloride and total selected metals emission limits.

For further information, contact Mr. Jim Eddinger, Combustion Group, Emission Standards Division, U.S. Environmental Protection Agency, Research Triangle Park, NC 27711, telephone: (919) 541-5426, electronic mail: [eddinge.jim@epa.gov](mailto:eddinge.jim@epa.gov).

#### G. Fire Protection in Shipyard Employment (OSHA)

On September 15, 2004, (69 FR 55667-55708), the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, promulgated a final rule (29 CFR part 1915) regarding a fire protection standard for shipyard employment. The purpose of this standard is to increase the protection of shipyard employment workers from fire hazards. Such workers are subject to a high risk of injury and death from fires, explosions, toxic gases, and fumes during ship repair, shipbuilding, shipbreaking, and related work activities, as well as firefighting activities.

The standard reflects new technologies and current national consensus standards. It also gathers all fire-related safety practices for shipyard employment into a single subpart, which will make them more accessible and understandable for employers and employees. Topics addressed by the new standard include: (1) fire safety plan; (2) precautions for hot work; (3) fire watches; (4) fire response; (5) hazards of fixed extinguishing systems on board vessels and vessel sections; (6) land-side fire protection systems; and (7) training.

For further information, contact Mr. Jim Maddux, Director, Office of Maritime Standards, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 693-2222. For a copy of this rule, as well as other relevant information, visit OSHA's Internet Web Site at <http://www.osha.gov>.

#### H. Occupational Exposure to Hexavalent Chromium (OSHA)

On October 4, 2004, (69 FR 59305-59474), the Occupational Safety and Health Administration (OSHA) promulgated a proposed rule (29 CFR parts 1910, 1915, 1917, 1918, and 1926) to amend its existing standard for employee exposure to hexavalent chromium (Cr(VI)). The basis for issuance of this proposal is a preliminary determination that employees exposed to Cr(VI) face a significant risk to their health at the current permissible exposure limit and that promulgating this proposed standard will substantially reduce that risk. The information gathered so far in this rulemaking indicates that employees exposed to Cr(VI) well below the current permissible exposure limit are at increased risk of developing lung cancer. Occupational exposure to Cr(VI) may also result in asthma and damage to the nasal epithelia and skin.

This document proposes an 8-hour time-weighted average permissible exposure limit of one microgram of Cr(VI) per cubic meter of air for all Cr(VI) compounds. OSHA is also proposing

other ancillary provisions for employee protection such as preferred methods for controlling exposure, respiratory protection, protective work clothing and equipment, hygiene areas and practices, medical surveillance, hazard communication, and recordkeeping. OSHA is proposing separate regulatory texts for general industry, construction, and shipyards in order to tailor requirements to the circumstances found in each of these sectors.

For further information, contact Mr. George Shaw, Office of Communications, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 693-1999. For a copy of this proposed rule, as well as other relevant information, refer to OSHA's Internet Web Site at: <http://www.osha.gov>.